

OPINION
56-65

August 10, 1956 (OPINION)

COUNTIES

RE: Insanity Board - Jurisdiction

This is in reply to your letter requesting an opinion of this office on whether the county insanity board (or the members thereof) may contract with the Bureau of Indian Affairs to act as an insanity board in committing wards of the government to the state hospital, the state school at Grafton, and the state tuberculosis sanatorium, and receive pay therefor from the United States government.

It is the opinion of this office that a county insanity board, as such, and its members, as such, have no jurisdiction over Indian wards of the federal government. It is further our opinion that the county insanity board has no authority to require the pertinent state institutions to accept patients over which such insanity board has no jurisdiction. It is, therefore, our opinion that any action that might be taken by a county insanity board in this field would be a nullity. Such being the case, it must be our opinion that the county insanity board cannot contract with the federal government, as either a state or county agency, to act as such in the committing of Indian wards of the federal government.

While it may be that individual members of the board could be hired as private individuals by the Bureau of Indian Affairs to perform services for such Bureau of Indian Affairs, any such services would necessarily have to be performed by such individuals, as such individuals, or as federal employees, and such individuals could not act as county officers or state officers.

LESLIE R. BURGUM

Attorney General